

DEPARTMENT OF LAND AND NATURAL RESOURCES

Adoption of Chapter 13-276
Hawaii Administrative Rules

October 31, 2002

SUMMARY

Chapter 13-276, Hawaii Administrative Rules,
entitled "Rules Governing Standards for Archaeological
Inventory Surveys and Reports", is adopted.

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 13

STATE HISTORIC PRESERVATION DIVISION RULES

CHAPTER 276

RULES GOVERNING STANDARDS FOR ARCHAEOLOGICAL INVENTORY
SURVEYS AND REPORTS

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§13-276-1 Policy and purpose. This chapter establishes standards for archaeological inventory surveys and reports required by chapters 13-275 and 13-284 for the historic preservation review process. [Eff] (Auth: HRS §6E-3) (Imp: HRS §§6E-1, 6E-3, 6E-7, 6E-8, 6E-42)

§13-276-2 Definitions. As used in this chapter unless the context requires otherwise:

"Ahupua`a" means a traditional Hawaiian land division usually extending from the mountain to the sea.

"Archaeological inventory survey" means the process of identifying and documenting the archaeological historic properties and burial sites in a delineated area, gathering sufficient information to evaluate significance of the historic properties and burial sites, and compiling the information into a

written report for review and acceptance by the department.

"Burial site" means any specific unmarked location where prehistoric or historic human skeletal remains and their associated burial goods if any, are interred, and its immediate surrounding archaeological context, including any associated surface or subsurface features, deemed a unique class of historic property, and not otherwise included in section 6E-41, HRS.

"Consultation process" means notifying interested organizations and individuals that a project could affect historic properties of interest to them; seeking their views on the identification, significance evaluations, and mitigation treatment of these properties; and considering their views in a good faith and appropriate manner during the review process.

"Department" or "DLNR" means the state department of land and natural resources.

"Historic preservation review process" means the process specified in chapters 13-275 and 13-284, used to comply with sections 6E-7, 6E-8 and 6E-42, HRS.

"Historic property" means any building, structure, object, district, area, or site, including heiau and underwater site, which is over fifty years old.

"Person" means any individual, firm, association, agency, organization, partnership, estate, trust, corporation, company, or governmental unit that is proposing a project.

"Project" means any activity directly undertaken by the state or its political subdivisions or supported in whole or in part through appropriations, contracts, grants, subsidies, loans, or other forms of funding assistance from the state or its political subdivisions or involving any lease, permit, license, certificate, land use change, or other entitlement for use issued by the state or its political subdivisions.

"Project area" means the area the proposed project may potentially affect, either directly or indirectly. It includes not only the area where the project will take place, but also the proposed project's area of potential effect.

"State historic preservation division" or "SHPD" means the state historic preservation division within the state department of land and natural resources.
[Eff _____] (Auth: HRS §§6E-2, 6E-3, 6E-7, 6E-8, 6E-42) (Imp: HRS §§6E-1, 6E-3, 6E-7, 6E-8, 6E-42)

§13-276-3 Archaeological inventory survey, generally. An archaeological inventory survey shall:

- (1) Determine if archaeological historic properties are present in the project area and, if so, identify all such historic properties.
 - (2) Gather sufficient information to evaluate each historic property's significance in accordance with the significance criteria listed in subsection 13-275-6(b).
- [Eff] (Auth: HRS §6E-3)
 (Imp: HRS §§6E-1, 6E-3, 6E-7, 6E-8, 6E-42)

§13-276-4 Archaeological field survey. (a) Portions of the project area that have no adequate inventory survey reports prepared for them shall undergo archaeological inventory survey to determine whether archaeological historic properties are present and, if so, to present their description, interpretation, and location. The entire surface of the project area shall be visually inspected, and any proposed deviations from this level of inspection shall be approved by SHPD prior to implementation.

(b) The presence or absence of subsurface sites shall be evaluated for areas which have no visible historic properties. This evaluation shall include findings of test excavations, if deemed necessary by the department, or a conclusion, with supportive documentation, that historic properties are not anticipated to be present.

(c) Test excavations shall be undertaken on historic properties, or features of properties, that have several possible alternative functions based on surface examination to provide additional information that might help to resolve the question of property or feature function. Recordation of such excavations and any necessary laboratory analysis of recovered materials shall be undertaken as part of the archaeological inventory survey. If human skeletal remains are found, they shall not be disturbed, excavations shall be backfilled, and SHPD notified as soon as possible. Archaeological historic properties, or features of properties, that are highly probable to be burials based on surface examination shall not undergo test excavation without authorization from the department.

(d) If 100% of the proposed project's surface area is not inventoried, sampling strategies need prior approval from the department. [Eff] (Auth: HRS §6E-3) (Imp: HRS §§6E-1, 6E-3, 6E-7, 6E-8, 6E-42)

§13-276-5 Archaeological inventory survey report. (a) An archaeological inventory survey report shall be prepared to record and synthesize the data gathered from background research, field survey and consultation process with knowledgeable individuals. The report shall include:

- (1) Identification of the survey area:
 - (A) On a 1:24000 scale United States Geological Survey quadrangle map, or on a portion or an enlargement of a portion of this map; and
 - (B) In the text, stating the island, district and ahupua`a of the area and the tax map key (TMK) and acreage of the parcel.
- (2) Identification of the owner or owners of the parcel; and
- (3) A description of the environment, to include:
 - (A) Topography (including general elevations, distance inland, and general terrain patterns);
 - (B) Vegetation;
 - (C) Geology and soils;
 - (D) Climate, including rainfall; and
 - (E) Hydrology.

(b) The report shall contain a section on background research which shall be used to predict the kinds and distributions of historic properties that might still be present and to provide a context for understanding and evaluating the significance of any historic properties that are found. The background section of the report shall include:

- (1) Historic background information, which shall:
 - (A) Present findings on land use and site patterns for the project area and either ahupua`a or other appropriate areas as determined in consultation with the SHPD for:
 - (i) Prehistoric and early historic times, as revealed by any

- eighteenth or nineteenth century literature on Hawaii;
 - (ii) 1848-1851 times, as indicated by land commission awards; and
 - (iii) Post-1850 times as revealed in later literature or through oral history.
 - (B) Provide a summary of documents and materials reviewed during the research; and
 - (C) Indicate:
 - (i) Whether any land commission awards were granted within the project area and within either the ahupua`a in which the project area is located or other appropriate areas as determined in consultation with SHPD; and
 - (ii) If awards were granted within the ahupua`a or other appropriate areas as determined in consultation with SHPD, specify the number of these awards, their LCA number, the use of each plot or apana awarded, and locate the awards on a map whenever possible.
- (2) Archaeological background information, which shall review any relevant prior archaeological studies in the project area and in either the ahupua`a in which the project is located or other relevant areas as determined in consultation with SHPD. At a minimum, the SHPD library shall be consulted for prior studies. If no studies exist, the archaeological inventory survey report shall so state this fact. If studies exist, the findings shall be summarized. This summary shall include:
 - (A) The areal extent of the prior survey coverage indicated on a map;
 - (B) A synthesis and analysis of information on the project area and its related lands' chronology, function and land use patterns, reconciling, as needed, the historical and archaeological information; and

- (C) Predictions as to types of sites expected to be encountered during field survey.
- (3) If an inventory plan was submitted to, and approved by, the SHPD, the information in this section may be omitted from the inventory report.
- (c) The report shall contain a section on methods used in the archaeological field survey which shall include:
 - (1) The names and qualifications of the principal investigator;
 - (2) The number of field personnel, the dates when the survey was performed and the duration of time for the survey;
 - (3) The extent of survey coverage. If the coverage was less than one hundred percent, the rationale for the sample (the sampling design) must be presented in a careful discussion. Sampling designs which included analysis of possible subsurface sites under sand dunes, urban fill, and other areas must also be presented here;
 - (4) A discussion of any factors which limited the survey effort;
 - (5) The techniques used to identify archaeological properties (transects, sweeps, test excavations, augering, etc.);
 - (6) The extent of historic property recording (mapping, measuring, photographing, test excavations) and the techniques used, with the rationale for these techniques given;
 - (7) The method used to plot site location; and
 - (8) The method used to determine a site and its boundaries.
- (d) The report shall contain a section on its archaeological field survey and laboratory findings. Each archaeological property found shall be individually described as follows:
 - (1) A state inventory number and any previous numbers;
 - (2) A reference to a previous study, if the property has been previously recorded;
 - (3) The property's formal type (e.g., C-shaped enclosure, platform, enclosure, wall, paving, etc.). If it has several major features, then each of these should be noted (e.g., 3

- C-shaped enclosures, 1 platform, 4 stone cairns); and
- (4) A description of each property, to include:
- (A) Size, horizontal extent;
 - (B) Shape, materials, methods of construction, and area of the major feature or features with representative architectural heights and widths, etc., (in metrics);
 - (C) The presence or absence of surface remains (artifacts, midden, debris, etc.), and if present, the general nature of these remains and their density and distribution;
 - (D) The presence or absence of any subsurface deposits, and if present, an assessment of the general depth and nature of the deposits. If test excavations, augering, etc., occurred, these results must be presented here and shall include stratigraphic information with:
 - (i) Standard U.S.D.A. soil descriptions (with Munsell colors); and
 - (ii) Stratigraphic profile drawings, to scale, that include observed surface and subsurface features. When appropriate, representative line-drawn profiles, to scale, of test excavations not through surface architecture may be used where no subsurface features are visible in the excavation side walls;
 - (E) Representative photographs, illustrations, or both;
 - (F) Drafted plan map to scale, which shall include major features, and location and shape of internal features such as firepits, cupboards, midden deposits, a bar scale, north arrow, and indicate in the text the method used (e.g., tape and compass or type of instrument mapping);
 - (G) The integrity of the site;
 - (H) An assessment of site function or functions, with reasonable and adequate supportive arguments. The character of

- habitation sites shall be clearly interpreted;
- (I) An assessment of site age, with absolute dating results when available; and
- (J) An evaluation of site significance.
- (e) The report shall document, describe, and graphically display any previous land disturbances (e.g., bulldozing, grubbing by machine, or sugarcane cultivation) identified during the survey.
- (f) The report shall contain a summary of the findings, to include, but not be restricted to:
 - (1) Total number of archaeological sites found;
 - (2) A map or maps locating all the archaeological properties found and, if practical, their boundaries, with at least one site location map being a portion of the relevant United States Geological Survey standard 1:24,000 topographic map;
 - (3) A table presenting the sites with their state number, formal type, and possible function listed;
 - (4) If multiple archaeological sites within a major functional type (such as religious, burial, permanent habitation, and temporary habitation site types) are found, summaries of each type shall occur;
 - (5) A re-evaluation of ideas on the history of land use in the ahupua`a and the parcel; and
 - (6) In cases where more than five sites are present within a major functional type, the summary of the functional type shall include:
 - (A) A table which itemizes for each site and its relevant constituent structures the key variables used to determine the function (e.g., form, area); and
 - (B) A map showing the distribution of the sites within that functional type.
- (g) The report shall contain information on the consultation process with individuals knowledgeable about the project area's history, if discussions with the SHPD, background research or public input indicate a need to consult with knowledgeable individuals.
 - (1) Information shall include:
 - (A) Personnel conducting the consultation process, with names and qualifications;
 - (B) Methods of identifying and contacting knowledgeable persons;

- (C) Names of knowledgeable persons consulted, or, if the person wishes to remain anonymous, a characterization of the person; and
- (D) A summary as to whether additional archaeological historic properties were identified during the consultation process, and whether additional information on archaeological site function was obtained during the consultation process;
- (2) Should additional information on site function be obtained, that information shall be presented in the site description portion of the report;
- (3) Consult SHPD guidelines on ethnographic surveys and reports for assistance in preparing findings from the consultation process; and
- (4) If an inventory plan was submitted to, and approved by, the SHPD, the information in this section may be omitted from the inventory report. [Eff
(Auth: HRS §6E-3) (Imp: HRS §§6E-1, 6E-3, 6E-7, 6E-8, 6E-42)]

§13-276-6 Final disposition of collections.

(a) All collections, excluding human remains and grave goods, from public lands shall be placed in an acceptable archive to be designated by the SHPD. Arrangements shall be made with private landowners on the disposition of collections from their lands. If private landowners request archiving of material, then the archive shall be determined in consultation with the SHPD.

(b) In the event human skeletal remains are recovered during survey, final treatment of any such remains and associated grave goods shall follow the procedures of section 6E-43, HRS. [Eff
(Auth: HRS §§6E-3, 6E-43) (Imp: HRS §§6E-1, 6E-3, 6E-6, 6E-7, 6E-8, 6E-42, 6E-43)]

§13-276-7 Significance assessments.

Significance evaluations shall be included in the survey report. They shall be included at the end of each site description and in a separate section of the report,

which shall be labeled "Significance Assessments" and shall include a summary table listing all sites and their significance. [Eff] (Auth: HRS §6E-3) (Imp: HRS §§6E-1, 6E-3, 6E-7, 6E-8, 6E-42)

§13-276-8 Recommendations. Recommendations such as mitigation commitments shall be included in the survey report. They shall be included in the summary table listing all the sites and their significance. [Eff] (Auth: HRS §6E-3) (Imp: HRS §§6E-1, 6E-3, 6E-7, 6E-8, 6E-42)

§13-276-9 Penalty. Non-compliance with the provisions and procedures established by this chapter shall result in a directive to the person not to proceed with project ground alteration, a denial or revocation of SHPD written concurrence or agreement, and shall also be penalized as provided in section 6E-11, HRS, and applicable laws. [Eff] (Auth: HRS §6E-3) (Imp: HRS §§6E-1, 6E-3, 6E-7, 6E-8, 6E-11)

DEPARTMENT OF LAND AND NATURAL RESOURCES

Chapter 13-276, Hawaii Administrative Rules, on the Summary Page dated October 31, 2002, was adopted November 15, 2002, following public hearings held on the islands of Kauai on August 20, 2002, Hawaii on August 21 and 22, 2002, Maui on August 26, 2002, Molokai on August 27, 2002, Oahu on August 28, 2002, and Lanai on August 29, 2002, after public notice was given in the Honolulu Star Bulletin, Hawaii Tribune Herald, West Hawaii Today, Maui News, and the Garden Isle on July 21, 2002.

The adoption of chapter 13-276 shall take effect ten days after filing with the Office of the Lieutenant Governor.

Peter T. Young,
Chairperson
Board of Land and Natural
Resources

Approved:

Linda Lingle, Governor
State of Hawaii

Dated: _____

APPROVED AS TO FORM:

Deputy Attorney General

Filed